

ASSEMBLY BILL 861

Barriers to Employment

Author – Assemblymember, Karen Bass (D – 47)

ISSUE

- This bill strives to reduce recidivism and crime, while increasing jobs and tax revenue. The state has expressed a desire to reform corrections and create appropriate policies consistent with public safety that keeps Californians safe and boost the economy.
- The Department of Corrections and Rehabilitation (DCR) and many non-profit, community-based organizations maintain programs to provide vocational training to persons convicted of non-violent drug related offences, however because of arbitrary “substantially related” criteria; these persons are unable to obtain licenses in these vocational professions.

EXISTING LAW

AUTHORIZES:

- Occupational licenses are issued and revoked at the discretion of professional boards that rely on a broad, arbitrary clause of “substantially related”.
- More than thirty six professional boards can deny an applicant solely on the basis that the applicant has been convicted of a felony (Business & Professions Code §480).
- Business & Professions Code §475 states that a license shall not be denied, suspended, or revoked on for lack of good moral character or any similar ground relating to an applicant's character,

reputation, personality, or habits. However, an occupational license applicant can and very likely will be denied because of a criminal background.

- The California Business and Professions Code, §480, states that in order for a criminal conviction to disqualify a license applicant, the crime or act must be “substantially related to the qualifications, functions or duties of the business or profession for which application is made.”

THIS BILL

- AB 861 specifically pertains to the Board of Barbering and Cosmetology.
- This bill authorizes the Board of Barbering and Cosmetology to issue probationary licenses, subject to terms and conditions specified by the Board, including, but not limited to ongoing treatment, compliance with parole, certification of rehabilitation, etc.
- This bill requires the Board to conduct a study on the effects of current law, regulations, and policy related to the licensing functions of the Board that may create unnecessary barriers to employing people with criminal records.
- This bill will require the Board to conduct a hearing within 90 days of receiving an applicant's request for a hearing when denied licensure.

SUMMARY

AB 861 addresses the current limitations of the Board, and is aligned with the DCR's desire to reform corrections, reduce recidivism, and create appropriate policies that uphold public safety and improve the economy.

As amended, this bill balances consumer protection with the creation of opportunities for ex-offenders. It provides a study of the Board of Barbering & Cosmetology regarding the application and denial process for individuals seeking a license (specifically those with criminal records), allows the Board to issue a "probationary" license under specified conditions, requires the Board to provide specific information to applicants on the reason for license denial and requires the Board to conduct hearing within a 90 days of receiving an applicant's request for a hearing.

SUPPORT

American Friends Service Committee
Applied Research Center
City of Sacramento
Commission on the Status of Women
Drug Policy Alliance Network
Legal Services For Prisoners with Children
National Employment Law Project
Service Employees International Union
Taxpayers for Improving Public Safety

OPPOSITION

None on file

FOR MORE INFORMATION

Please Contact:
Sarah Takahama
Or Nolice Edwards
(916)319-2047
